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SOTOMIRANDA; FEDEX GROUND
8 PACKAGE SYSTEM, INC.; AND GREEN
ACQUISITIONS, INC.
9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MARISSA MAAT, an individual,

13 Plaintiff,

14 vs.

15 PABLO SOTOMIRANDA, an individual;
FEDEX GROUND PACKAGE SYSTEM,
16 INC.; GREEN ACQUISITIONS, INC. and
DOES I through X, inclusive; and ROE
17 CORPORATIONS I through X, inclusive,

18 Defendants.
19

PETITION FOR REMOVAL

20 **TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:**

21 Please take notice, Defendants, PABLO SOTOMIRANDA; FEDEX GROUND
22 PACKAGE SYSTEM, INC.; AND GREEN ACQUISITIONS, INC. (hereinafter "Defendants"),
23 by and through their attorneys of record, MURCHISON & CUMMING, LLP, hereby submits
24 this Petition of Removal to the United States District Court for the District of Nevada.

25 **I.**

26 Petitioners are Defendants PABLO SOTOMIRANDA; FEDEX GROUND PACKAGE
27 SYSTEM, INC.; AND GREEN ACQUISITIONS, INC.

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1 II.

2 The above-entitled action was commenced in the Eighth Judicial District Court in Clark
3 County, Nevada, and is now pending in that court. True and Correct Copies of the Waiver of
4 Service is attached hereto as **Exhibit A**. A true and correct copy of the Complaint is attached
5 hereto as **Exhibit B**. Plaintiff filed his Amended Complaint on October 15, 2022.

6 III.

7 This Petition is filed timely pursuant to 28 U.S.C. § 1446(b)(3).

8 IV.

9 This action is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C.
10 § 1332(a) and is one which may be removed to this Court by Petition, pursuant to 28 U.S.C. §
11 1441(a).

12 V.

13 Plaintiff MARISSA MAAT was at all relevant times a citizen of the State of Nevada. See
14 Complaint, **Exhibit B**.

15 VI.

16 Defendants are, and were at the time this action commenced, were not citizens of the
17 state of Nevada. PABLO SOTOMIRANDA is a citizen of the State of California. FedEx Ground
18 Package System is subsidiary of a corporation incorporated in the state of Delaware with its
19 principle place of business in Pennsylvania. Green Acquisitions, Inc. is incorporated in the
20 state of California with its principle place of business in California.

21 VII.

22 Plaintiff seeks general damages and special damages in excess of \$75,000.00. See
23 Affidavit of Daniel J. Klett. Plaintiff also alleges damage for medical expenses, probable future
24 medical expenses, loss of enjoyment of life, past and future loss of income and property
25 damage. See Complaint, **Exhibit B**.

26 Therefore, Petitioners seek removal of the above-entitled action from the Eighth Judicial
27 District Court in and for Clark County, Nevada to this Court, the U.S. District Court for the
28 District of Nevada.

VIII.

A copy of the Petitioners' Petition for Removal, seeking removal of the above-entitled action to the United States District Court, District of Nevada, together with a copy of the Summons and Complaint, was deposited with the Deputy Clerk in the County Clerk's Office for the Eighth Judicial District Court in and for Clark County, Nevada.

IX.

Copies of all pleadings and papers served upon Petitioner in the above-entitled action are filed herewith.

Petitioners seek removal of the above-entitled action from the Eighth Judicial District Court in and for Clark County, Nevada to this Court.

DATED: October 20, 2022

MURCHISON & CUMMING, LLP

By /s/ Daniel J. Klett

Michael J. Nuñez, Esq.
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Attorneys for Defendant PABLO
SOTOMIRANDA; FEDEX GROUND
PACKAGE SYSTEM, INC.; AND GREEN
ACQUISITIONS, INC.

AFFIDAVIT OF DANIEL J. KLETT

I, Daniel J. Klett, declare as follows:

1. I am over 18 years of age, of sound mind and I have personal knowledge of the facts set forth herein.

2. I am counsel for Defendants PABLO SOTOMIRANDA; FEDEX GROUND PACKAGE SYSTEM, INC.; AND GREEN ACQUISITIONS, INC. in the matter of Marissa Maat vs. Pablo Sotomiranda; Fedex Ground Package System, Inc., Nevada Eight Judicial District Case No. A-22-856456-C.

3. Plaintiff's Counsel Stephen Lewis indicated during a telephonic conference that Plaintiff seeks damages for and in excess of \$75,000, with damages for past medical expenses exceeding \$120,000 and future medical specials for a possible shoulder surgery.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: October 20, 2022

MURCHISON & CUMMING, LLP

By: /s/ Daniel J. Klett

Michael J. Nuñez, Esq.

Nevada Bar No. 10703

Daniel J. Klett, Esq.

Nevada Bar No. 14897

Attorneys for Defendants PABLO

SOTOMIRANDA; FEDEX GROUND

PACKAGE SYSTEM, INC.; AND GREEN

ACQUISITIONS, INC.

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PROOF OF SERVICE

Marissa Maat vs. Pablo Sotomiranda

STATE OF NEVADA, COUNTY OF CLARK

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Clark, State of Nevada. My business address is 350 South Rampart Boulevard, Suite 320, Las Vegas, NV 89145.

On October 20, 2022, I served true copies of the following document(s) described as **PETITION FOR REMOVAL** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE: by transmitting via the Court's electronic filing and electronic service the document(s) listed above to the Counsel set forth on the service list on this date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 20, 2022, at Las Vegas, Nevada.

/s/ Katherine Haman

Katherine D. Haman

SERVICE LIST

Marissa Maat vs. Pablo Sotomiranda

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